

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5156 of 2019

1. Ajay Dubey S/o Deendayal Dubey, Aged About 18 Years, R/o Balani Chowk, Gandhi Ward, Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
2. Yogesh Ku. Dewangan S/o Ishwar Lal Dewangan, Aged About 22 Years, R/o Rajendra Ward, Patwapara, P.S. Mungeli And District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Officer-in-charge of Police Station City Kotwali, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicants – Shri Pallav Mishra, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 23-05-2019 in connection with Crime No.89/2019 registered at P.S. City Kotwali, Mungeli, District Mungeli, Chhattisgarh for the offence under Section 363, 366, 376/34 of the IPC and Section 4 & 6 of POCSO Act & 3 (1)(x) & 3(2)(5) of Atrocities Act.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 23-05-2019. No case is made out against them regarding commission of offence as registered in the FIR. The prosecutrix in this case has been examined before the trial Court and she has not supported the prosecution case in any manner. Therefore, no case is left against these applicants. Therefore, it is prayed that they may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there are other witnesses to examine who may support the

prosecution case. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, these applicants abducted the minor prosecutrix of age below 18 years and then by taking her to a place they attempted to rape her. Hence, this case.

6. Perused the copy of the statement of the prosecutrix of this case and it is found that she is totally a hostile witness who has not supported the prosecution in any manner. Therefore, looking to this development, I feel inclined to allow this application.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge